

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 6442 of 2007(S)

OP.886/2006 of FAMILY COURT, NEDUMANGAD

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PETITIONER:

**LATHEEFA BEEVI, W/O.ABDUL MAJEED,
AKKARATHATTIL VEEDU, NADAYARA, VARKALA,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.ANIL K.NARENDRAN

RESPONDENTS:

- 1. SHAMNA, D/O.SAFIYA,
S.S. VIHAR, NADAYARA, VARKALA P.O.,
THIRUVANANTHAPURAM DISTRICT.**
- 2. A. ASHRAF, S/O.ABDUL MAJEED,
AKKARATHATTIL VEEDU, NADAYARA, VARKALA,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.M.SREEKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.6442/2007.

:- 2 :-

Petitioner's Exhibits:-

- P1: Copy of OP.No.681/2006 dtd.25-7-06 filed by the 2nd respondent before the Family Court, Nedumangad, against the 1st respondent.**
- P2: Copy of Op.No.886/2006 dtd.22-9-06 filed by the 1st respondent before the Family Court, Nedumangad, against the petitioner and 2nd respondent.**
- P3: Copy of Medical Certificate dtd.3-11-06 issued to the petitioner from the S.S.M. Medical Mission Hospital, Varkala.**
- P4: Copy of power of attorney dtd.6-11-06 executed by the petitioner in favour of the 2nd respondent for contesting OP.No.886/2006 filed before the Family Court, Nedumangad.**
- P5: Copy of petition dtd. Nil filed by the petitioner in OP.No.886/2006 seeking permission of the Court to defend the case through her power of attorney.**
- P6: Copy of B'Diary in OP.No.886/2006 on the file of the Family Court, Nedumangad.**

Respondents' Exhibits:- Nil.

(true copy)

kvs/-

P.A. TO JUDGE.

KURIAN JOSEPH,

&

T.R.RAMACHANDRAN NAIR, JJ.

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WP(C).No. 6442 of 2007-S.
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Dated this the 11th day of June, 2007.

J U D G M E N T

Kurian Joseph, J.

This writ petition is filed, aggrieved by the direction issued by the Family Court, Nedumangad in OP.No.886 of 2006 compelling personal appearance of the petitioner. According to her, her physical presence is not necessary in a suit filed by the first respondent for return of gold ornaments. Counsel for the respondents submits that the attempt of the Family Court is to see whether the dispute can be otherwise settled between the parties. The counsel for the petitioner submits that, that is an issue which can be considered even without directing the petitioner to appear before the Family Court. Learned counsel, however, submits that she is not against the settlement, if any, which could be arrived at before the Family Court. Hence if her presence will in any way would be helpful, she has no objection in doing so. She is only worried that her presence may not constantly be required as she is not keeping well.

2. In the above circumstances, there will be a direction to the

Family Court, Nedumangad to consider whether a settlement is possible in the matter in the next posting when the petitioner will appear. Thereafter the petitioner shall not be compelled to appear before the court on formal postings.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-